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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF DEAN M. HARVEY IN
SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO
ENFORCE LOCAL RULE 7-3(d)(1) AND
STRIKE DEFENDANTS' IMPROPER SUR
REPLY**

1 I, Dean M. Harvey, declare:

2 1. I am a partner in the law firm of Lieff Cabraser Heimann & Bernstein, LLP, Co-
3 Lead Class Counsel. I am a member of the State Bar of California, and am admitted to practice
4 before the United States District Court for the Northern District of California. I make this
5 declaration based on my own personal knowledge. If called upon to testify, I could and would
6 testify competently to the truth of the matters stated herein.

7 2. Defendants did not notify or meet and confer with Plaintiffs prior to filing their
8 July 19, 2013 "Objections to Evidence," (Dkt. 469).

9 3. On Monday, July 22, 2013, Plaintiffs wrote Defendants and explained that their
10 sur-reply violated the Local Rules and should be withdrawn. Plaintiffs also offered to meet and
11 confer on the matter. Attached hereto as Exhibit A is a true and correct copy of the July 22, 2013
12 letter from Class counsel to Defense counsel.

13 4. Defendants did not meet and confer regarding Plaintiffs' request and refused to
14 withdraw the sur-reply. Attached hereto as Exhibit B is a true and correct copy of Defense
15 counsel's July 22, 2013 response.

16 5. Attached as Exhibit C is a true and correct copy of excerpts from the June 11, 2013
17 deposition of Edward Leamer.

18 6. Attached as Exhibit D is a true and correct copy of excerpts from the July 5, 2013
19 deposition of Kevin Murphy.

20 7. Attached as Exhibit E is a true and correct copy of Plaintiffs' Exhibit 2857: an
21 excerpt from "Social Economics: Market Behavior in a Social Environment," by Gary Becker and
22 Kevin Murphy.

23 I declare under penalty of perjury under the laws of the United States that the foregoing is
24 true and correct.

25 Executed July 23, 2013, in San Francisco, California.

26
27

/s/ Dean M. Harvey
28 Dean M. Harvey